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Report of the Working Group on the Universal Periodic Review*

Malawi

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-second session from 4 to 15 May 2015. The review of Malawi was held at the 3rd meeting, on 5 May 2015. The delegation of Malawi was headed by Honourable S. B. Tembenu. At its 10th meeting, held on 8 May 2015, the Working Group adopted the report on Malawi.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Malawi: Albania, Kazakhstan and Kenya.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Malawi:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/22/MWI/1);

(b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/22/MWI/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/22/MWI/3).

4. A list of questions prepared in advance by Kenya, Liechtenstein, Mexico, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Malawi through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation stated that Malawi had undergone two peaceful political transition processes. In April 2012, following the death of the country's third President, the Vice-President assumed the presidency. In May 2014, the first-ever tripartite elections were held, electing a fifth post-independence President, members of Parliament and local government councillors.

6. The general framework for human rights was guided by the Constitution, which also provided the institutional and enforcement framework, as well as limitations and restrictions and instances where derogation from rights was permissible. The Constitution also provided for principles of national policy and contained a bill of rights, which harmonized the domestic obligations of Malawi with the international human rights framework.

7. Several institutions, such as the Ministry of Justice, the Human Rights Commission, the Law Commission, the Office of the Ombudsman and the Prison Inspectorate, played significant roles in protecting human rights. The Ministry of Justice and the Human Rights Commission led the process of drafting a national human rights action plan, with support from the United Nations Development Programme. There were 105 human rights civil society organizations that complement government efforts on issues of human rights and democratic governance.

8. Malawi had endeavoured to clear the backlog of State party reports. In 2012, it submitted its initial report to the Human Rights Committee. In 2013, it submitted the initial report to the African Commission on the African Charter on Human and People's Rights and its Protocol on the Rights of Women in Africa. In 2014, it submitted the report on the Convention on the Elimination of all forms of discrimination against women. In 2015, it submitted its combined third, fourth and fifth periodic reports on the United Nations Convention on the Rights of the Child, its initial report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as its initial report to the African Union on the African Charter on the Rights and Welfare of the Child. Preparation of reports was ongoing in respect of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of Racial Discrimination.

9. Recommendations made by the Special Rapporteur on the right to food following his visit in July 2013, were being considered by the Government for implementation.

10. In 2012, the Disability Act was passed, providing for equal opportunities for persons with disabilities and the establishment of a disability trust fund. However, the fund had not yet been established. Following a situational analysis of children with disabilities in 2011, a national workplan on programmes for children with disabilities had been drawn up to strengthen coordination in developing and implementing programmes that promoted the rights of all children with disabilities.

11. Several steps had been taken to ensure that persons in detention were kept in humane and decent living conditions. Electric cooking pots had been procured for all prisons to ensure that inmates had access to their daily portions of cooked food. Human rights had been mainstreamed in the Malawi Prisons Service as a necessary measure to prohibit torture. Also, human rights education had been included in the basic training curriculum for prison staff. Social welfare officers had been appointed in all prisons. Human rights open days had been held in prisons during which awareness-raising programmes have been held for prisoners. Parole regulations had been formulated as a measure to reduce prison overcrowding. A register of prisoners had been developed to track prisoners' overstay.

12. Police officers had been trained to refrain from perpetrating torture and to ensure that the rights of suspects were respected. A professional standards unit had investigated all cases of torture, while efforts to establish the Police Complaints Commission were underway. Diversion guidelines, victim support unit guidelines and a child protection policy had been developed and the police training manual had been reviewed. The establishment of the "lay visitor's scheme" had also contributed to a reduction in human rights violations. The scheme consisted of local leaders, paralegals and women, all of whom were empowered to make unannounced visits to police cells and attend to complaints by detained suspects.

13. A building for the commercial division of the high court was under construction in Blantyre. Buildings for the magistrate courts had either been constructed or renovated in six districts. The intention was to have the judiciary staffed with 40 high court judges in the near future. There were currently 11 justices of appeal and 22 judges of the high court. Two justices of appeal and 10 judges of the high court had been appointed in the period between 2012 and 2014. In 2014, 57 third-grade magistrates had been appointed and deployed to rural areas.

14. The judiciary, in conjunction with the Directorate of Public Prosecutions, was installing a case-management system to increase efficiency in the handling of criminal-case files, thereby reducing the backlog of cases.

15. To ease the implementation of the Child Care, Protection and Justice Act of 2010, subsidiary legislation was being developed, as well as a cost implementation plan to facilitate resource mobilization and the actual implementation of the Act. The Act had been translated into local languages. A strategic plan had been developed for rehabilitating children living and working on the streets and reintegrating them into their communities and families.

16. A study on violence against children and young women conducted in 2014 had revealed that boys and girls were abused in homes and in schools. A national response plan had been launched.

17. In 2010, a case-management approach was launched. This approach had improved children's access to multiple services through better referrals and follow-up. Various programmes and policies for children had led to developments such as the essential package for early childhood development, the guidelines for caregivers in identifying and supporting children with special needs, the comprehensive training manual for early childhood development, which included issues of child and women's rights, and minimum standards for quality improvement in the delivery of services to orphans and other vulnerable children. The Government was developing guidelines for caregivers for the operation of "children corners" and one-stop centres in central and district hospitals, providing holistic services for victims of abuse.

18. The Government had undertaken initiatives to prevent child labour, which included ensuring family income security, identification of children below the minimum age and in hazardous work, rehabilitation of children to prevent them from going back to work, protection through risk management, awareness-raising campaigns, child labour inspections to identify the working children, advocacy for change of attitude on child labour, prosecutions of those responsible for child labour, commemoration of child labour open days, and setting up community child labour committees. The curriculum for primary education had a life-skills component that empowered children to protect themselves against violations of their rights.

19. To promote the rights of women and girls, the Deceased Estates (Wills, Inheritance and Protection) Act 2011, Gender Equality Act 2013, the Marriage, Divorce and Family Relations Act 2015 and the Trafficking in Persons Act 2015 had been enacted, and had been simplified and translated into two local languages.

20. The delegation provided detailed information on the second Malawi growth and development strategy, a medium-term plan for 2011–2016, with the objective of creating wealth and reducing poverty through sustainable economic growth and infrastructure development.

21. In December 2011, the national HIV and AIDS strategic plan, 2011–2016, was adopted. The Plan aimed at reducing new infections by 20 per cent, child infections by 30 per cent, child AIDS-related deaths by 50 per cent, adult infections by 15 per cent and adult AIDS-related deaths by 8 per cent.

22. The Government was committed to offering comprehensive sexual and reproductive health and rights services in tandem with international, regional and national policies. The delegation stated that there had been a decline of more than 50 per cent in child mortality.

B. Interactive dialogue and responses by the State under review

23. Seventy-four delegations made statements, the summaries of which appear below. Recommendations made during the dialogue can be found in section II of the present report.

24. Côte d'Ivoire noted the efforts made in the area of ratification of international human rights instruments such as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2010, and noted several policies for the protection of vulnerable persons, including a national plan of action for children, 2014–2018.

25. Cuba noted the important socioeconomic challenges faced by Malawi. It also noted efforts to improve human rights protection, highlighting the work of the Ombudsman, the Human Rights Commission and the Law Commission. It praised the Government's commitment to fighting HIV/AIDS.

26. The Democratic Republic of the Congo stated that additional efforts were still required to overcome certain traditional practices, to effectively contain the spread of HIV/AIDS, to achieve gender equality, to improve the protection of children and to ensure food security for the population.

27. Denmark welcomed the acceptance of recommendations to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and noted that the Optional Protocol established a set of practical tools on how to prevent torture and ill-treatment. It highlighted that the Convention against Torture Initiative stood ready to assist Malawi on this issue.

28. Egypt commended Malawi on the constructive role played by various institutions in protecting human rights in Malawi. Egypt also encouraged Malawi to pursue its policies aimed at enhancing the empowerment of women in various socioeconomic fields, as well as combating the negative phenomenon of street children.

29. Ethiopia noted with satisfaction that Malawi was on track to achieve the Millennium Development Goals on combating HIV/AIDS, malaria and other diseases and reducing child mortality, as well as on tracking poverty. Ethiopia also commended Malawi on the launching of the 2012 agricultural-sector guidelines and the HIV/AIDS strategy for the period up to 2017.

30. Gabon encouraged Malawi to complete measures taken for women's rights, particularly ensuring the adoption by Parliament of the Marriage, Divorce and Family Relations Bill and better representation of women in Parliament and on governmental bodies.

31. Germany expressed its disappointment over the continued discrimination on the basis of sexual orientation and gender identity and the fact that there had been no reform of the legislation on refugees. Germany was also concerned about the situation in prisons and detention centres.

32. Ghana noted with satisfaction the passing of the Gender Equality Act; however, it shared the concerns raised by the United Nations country team regarding the rather slow review processes of certain policies and legislative instruments, particularly the witchcraft act.

33. The Holy See congratulated Malawi on the two peaceful political transition processes since the universal periodic review in 2010, especially on the first-ever tripartite elections in May 2014. It also commended Malawi on the adoption of the 2012 Disability Act.

34. Honduras encouraged Malawi to continue its institutional and democratic progress. It also encouraged Malawi to continue adopting the necessary measures to eliminate gender disparities in areas such as education, health and agriculture, and to implement as soon as possible the law on disabilities.

35. Iceland welcomed the adoption of the Marriage, Divorce and Family Relations Bill and commended Malawi on the adoption of the Gender Equality Act. It urged Malawi to repeal the provisions of the Criminal Code that criminalized consensual, adult same-sex conduct and to repeal other laws that discriminated against lesbian, gay, bisexual, transsexual and intersex persons.

36. Indonesia commended Malawi on advancing the rights of people through cooperation among institutions and undertaking legal reforms to harmonize international conventions into national legislations. Indonesia was also pleased to note the drafting of the trafficking in persons bill.

37. Italy welcomed the engagement of Malawi in combating harmful practices such as early and forced child marriage and female genital mutilation and encouraged Malawi to further engage with those issues.

38. Kenya encouraged Malawi to complete the drafting of a national human rights action plan and to continue to clear the backlog in the submission of overdue State party reports under the various human rights instruments.

39. Kuwait noted the implementation of projects in various fields and commitment to strengthening the economy through the second growth and development strategy. Kuwait also acknowledged the commitment to generating welfare, ensuring sustainable growth and strengthening infrastructure as a means of reducing poverty.

40. Libya noted the efforts made by Malawi to promote and protect the rights of the child through the national action plan to eliminate child labour and child marriage. Libya also appreciated the efforts to promote economic and social development, including the second growth and development strategy.

41. Luxembourg congratulated Malawi on the socioeconomic progress achieved and commended the country on the adoption of the second growth and development strategy. It noted, however, that inequality of gender still remained despite measures taken to promote the rights of women and to combat violence against them.

42. Madagascar was pleased with the adoption of the Disability Act, the Gender Equality Act and several laws relating to the promotion and protection of the rights of the child. Madagascar encouraged Malawi to continue these efforts in order to ensure the full enjoyment of human rights.

43. Mauritania noted the ratification of human rights instruments, as well as reforms to the legal framework to ensure that it was compatible with human rights norms. It stated that those actions were a testimony to the international and ethical commitment of Malawi to human rights.

44. Mauritius recalled that it had previously recommended that consideration be given to promoting and strengthening vocational education and training to reduce the high number of school dropouts. It thanked Malawi for accepting its recommendation and urged it to continue with such initiatives.

45. Mexico welcomed legislative efforts by Malawi, noting the enactment of legislation on children, gender equality and education, but also observed shortcomings in areas such as access to information and prisons. It also noted the country's efforts to present reports to treaty bodies.

46. Montenegro welcomed the adoption of the Gender Equality Act, which defined the term "discrimination against women" and prohibited "harmful practices". It asked Malawi to elaborate on the activities undertaken to enforce existing legislation prohibiting female genital mutilation.

47. Morocco commended the creation of the Office of the Ombudsman, the Human Rights Commission and the Law Commission. It also supported the national human rights action plan and a series of reforms for the establishment of a legislative and political environment appropriate for the development and enjoyment of human rights.

48. Namibia was pleased to note the initiatives regarding the road map on accelerated reduction of maternal and neonatal deaths and the national sexual reproductive health and rights strategy, the passing of the Gender Equality Act of 2013 and the adoption of the Disability Act in 2012.

49. Nepal commended Malawi on its adoption of the Disability Act in 2012 and the Gender Equality Act in 2013, seeing the Gender Equality Act as an important step towards protecting women from harmful traditional practices and other discrimination.

50. The Netherlands welcomed the passing of the Marriage, Divorce and Family Relations Act, while noting, however, that this law also contained several discriminatory provisions that stigmatized lesbian, gay, bisexual and transsexual people and hampered the fight against HIV/AIDS.

51. The delegation of Malawi stated that the Marriage, Divorce and Family Relations Act had been passed in 2015 and was expected to be operational soon. Regarding the apparent inconsistency in the age of marriage between the Act and the Constitution, the delegation pointed out that the Act provided for marriageable age to be 18 years. Section 22 (6) of the Constitution provided that persons between the ages of 15 and 18 years could marry only with the consent of their parents. The Constitution also provided that anyone above the age of 18 would not be prevented from entering into a marriage. The Constitutional provisions allowing for persons between the ages of 15 to 18 years to marry could only be amended through a referendum.

52. The Trafficking in Persons Act, the Gender Equality Act and the Disability Act were operational. On the issues of press freedom, the access to information bill was in the process of being finalized. The bill would soon to be submitted to the Cabinet and thereafter to Parliament.

53. The delegation emphasized that discrimination against lesbian, gay, bisexual and transsexual persons was a problem that existed not only in Malawi. However, society in Malawi needed to evolve and an informed society would be able to take a decision on this matter. There was a need for discussion and debate on the issue. However, there had not been any attempt by civil society to engage with the Government.

54. The Prisons Act was being reviewed and should be completed later in 2015. Malawi had the death penalty in its laws, but no one had been executed since 1994. Society needed to be encouraged to discuss the issue. For those sentenced to death after 1994, some of those sentences w re being reviewed. The delegation explained that it was not mandatory for a court to impose the death sentence for murder. The court had the discretion to impose another sentence.

55. Nicaragua acknowledged efforts to protect child rights and the adoption of measures to promote the universal right of children to education. It highlighted the adoption of a comprehensive law on disabilities.

56. The Niger noted several institutions that functioned harmoniously and brought about better protection of human rights, such as the Office of the Ombudsman and the Human

Rights Commission. The Niger also noted that Malawi was party to most of the international human rights instruments.

57. Nigeria appreciated efforts on the issue of disability and the plan to create wealth through sustainable economic growth. It urged Malawi to continue strengthening its human rights institutions and called on the Government to consider extending a standing invitation to special procedures mandate holders.

58. Norway commended Malawi on the adoption of legislation strengthening the legal framework for human rights protection. It noted open discussions on minority rights, action towards decriminalizing same-sex relations, and improvements in freedom of expression and the media.

59. The Philippines welcomed progress in harmonizing domestic legislation with international human rights conventions, noting the enactment of the Gender Equality Act and the Child Protection and Justice Act. It lauded awareness-raising programmes among government agencies and key sectors of society.

60. Portugal welcomed ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the adoption of the Gender Equality Act and recognition of the disparities between men and women in the nationality law.

61. Rwanda noted the positive action taken since the last review, particularly the adoption of the Disability Act and steps to ensure gender equality through the adoption of the Gender Equality Act, which will change the landscape and empower women.

62. Senegal noted the progress made in implementing the recommendations of the first cycle and in the realization of economic, social and cultural rights. It welcomed efforts in the protection of vulnerable groups, noting the adoption of the Disability Act.

63. Sierra Leone applauded the moratorium on the death penalty and encouraged Malawi to abolish it. It stated that Malawi should consider providing free and equal access to primary education and promote human rights education. It urged Malawi to criminalize all forms of trafficking.

64. Singapore noted the adoption of the Disability Act, aimed at providing persons with disabilities with equal opportunities in a number of areas such as health care, education and employment. It acknowledged legislative and policy measures to counter gender-based discrimination.

65. Slovakia noted the adoption of the Trafficking in Persons Law and encouraged the Government of Malawi to fully implement it. It commended steps taken to implement the universal periodic review recommendations on children's rights but indicated that further progress was needed in a number of areas.

66. Slovenia welcomed efforts to eliminate harmful practices, including child marriage, progress in the juvenile justice system and the raising of the minimum age of criminal responsibility to 12 years. It considered that its previous recommendations 102. 37 (on trafficking) and 105.10 (on women) remained valid.

67. South Africa recognized progress in achieving some of the millennium development goals under Vision 2020 and the growth and development strategy and encouraged further implementation of those initiatives. It urged Malawi to continue to make efforts towards the promotion of human rights, including the right to development.

68. Spain praised the holding of elections in 2014. It welcomed the fact that no executions had been carried out since 1994 but was concerned that death sentences were still being handed down by the courts.

69. Sri Lanka noted remarks by observers on the peaceful holding of elections in 2014. It encouraged Malawi to consider compulsory primary free education for all, with equal access for girls and boys and to improve related infrastructure facilities.

70. The Sudan expressed appreciation for the holding of two peaceful political transition processes in 2012 and 2014. It commended Malawi on the steps taken for the protection of human rights, particularly the adoption of the Disability Act and the establishment of the Disability Trust Fund.

71. Sweden noted that Malawi had taken some steps to fulfil the gender equality pledges made in 2010 but considered that it had failed to live up to most of them. It noted that in 2010 Malawi had rejected recommendations to decriminalize same-sex conduct.

72. Switzerland recalled the concerns it had expressed during the first cycle concerning the criminalization of persons based on their sexual orientation in the Criminal Codeof Malawi. It welcomed the new law on trafficking but regretted that it had not yet been enacted.

73. Thailand welcomed the commitment made by the President to enhance women's empowerment and rights as a requisite for poverty reduction. It expressed readiness to support Malawi in the realization of its socioeconomic rights under the framework of the Thai-Africa Initiative.

74. Timor-Leste commended Malawi on the adoption of the national plan of action for orphans and other vulnerable children and encouraged the Government to finalize it. It noted the adoption of a plan of action for human rights education.

75. Togo welcomed the creation of several institutions for the protection of human rights, the adoption in 2012 of a law on persons with disabilities and efforts to combat harmful traditional practices. It commended Malawi on action taken on socioeconomic development.

76. Trinidad and Tobago noted efforts aimed at law reform designed to bolster support for the protection of human rights, as well as initiatives to address disparities in the agricultural sector.

77. Tunisia encouraged Malawi to increase efforts to implement recommendations accepted in 2010, better enforce recommendations of its national human rights institution and speed up the adoption of the action plan to combat violence against children and the adoption of the bill on family relations.

78. Uganda welcomed the Gender Equality Act but noted that there were still laws that discriminated against women. It urged the Government to effectively address concerns about child marriage through the enactment of the marriage, divorce and family relations bill. It asked about measures intended to ensure implementation of laws that had been enacted.

79. The United Kingdom encouraged Malawi to implement the Disability Act and the Marriage, Divorce and Family Relations Act. It urged the government to ensure the proportionate and appropriate use of firearms by the Malawi Police Service and to confirm that there was no shoot-to-kill policy.

80. The United States of America commended Malawi on the enactment of legislation on gender equality and trafficking. It was concerned at laws that criminalized consensual same-sex activity between adults and urged Malawi to ensure that its legislation respected the rights of all citizens.

81. Uruguay appreciated the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and encouraged

Malawi to continue along this path and to ratify, among others, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of Discrimination against Women, and the International Convention for the Protection of all Persons from Enforced Disappearance. Uruguay welcomed the legislative improvements in terms of gender, particularly the Gender Equality Act.

82. The Bolivarian Republic of Venezuela noted the adoption of the Gender Equality Act and the Disability Act and acknowledged the progress in combating discrimination and violence against women. It also noted that, through the social cash transfer programme, subsidies had been granted to extremely poor homes.

83. Zimbabwe noted measures adopted, including human rights education in the Malawi Prison Service, the work to enact the Marriage, Divorce and Family Relations Act to address child marriages, steps taken to address child labour and legislation enacted to enhance human rights.

84. Algeria welcomed the political transition that had taken place since 2012 and the strengthening of the legal and institutional framework on human rights. It welcomed the results obtained through the awareness-raising efforts of the human rights institutions of Malawi.

85. Angola welcomed the presentation by Malawi of its initial reports under the African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women in Africa. It appreciated the efforts to review legislation and bring it into line with the country's international obligations.

86. Argentina noted the progress achieved in the promotion of human rights, in particular the passage of the Gender Equality Act and the Disability Act, as well as the creation of a national strategic plan on HIV/AIDS for 2011–2016. It also noted that since 2010 new HIV infections had fallen by 41 per cent.

87. Armenia appreciated the steps taken for promoting human rights. It noted the national policies for the protection of the rights of the child and welcomed cooperation with the United Nations and its bodies. Armenia expressed concern that Malawi had not ratified the Convention on the Prevention and Punishment of the Crime of Genocide.

88. Australia commended Malawi for the legislative measures to comply with its commitments under the International Covenant on Civil and Political Rights. It acknowledged steps taken to remove the mandatory death sentence for murder and treason and was encouraged by the performance of the Malawi Human Rights Commission. Australia noted that the rights of lesbian, gay, bisexual, transsexual and intersex groups remained under pressure.

89. Austria expressed concern over the surge in violent attacks against people with albinism. It said that all investigations of those attacks must be in line with international human rights standards. Prison conditions had not improved since the last review. It noted the existence of legislation prohibiting consensual same-sex relations, the reports of harassment and intimidation of journalists and human rights defenders, and restrictions on the freedoms of assembly and expression.

90. Botswana welcomed efforts to combat child marriages and polygamy. It urged Malawi to finalize the enactment of pending bills and expressed concern about the high number of persons in pretrial detention, the insufficient resources to address the backlog of court cases and the restrictions on the freedoms of assembly and expression.

91. Brazil acknowledged the advances made in fostering the alignment of national law with international human rights obligations and highlighted the adoption of specific legislation on human trafficking.

92. Burkina Faso welcomed the successful organization of presidential, legislative and local elections in 2014. Burkina Faso was pleased with the interest shown by the authorities on the question of children, regarding the fight against child marriage and the promotion of school enrolment.

93. Cabo Verde noted the creation of a climate that was conducive to the promotion of human rights and drew attention to the adoption of the law on gender equality and progress made regarding freedom of information.

94. Canada expressed concern about the continued high prevalence of violence against women and girls, as well as child, early and forced marriage.

95. Chad noted that Malawi was party to the majority of the regional and international human rights instruments and had made efforts to submit its overdue reports. Chad also noted efforts to promote equal opportunities regarding economic and social rights.

96. Chile noted the adoption of the Disability Act and the Gender Equality Act and the extension of the scope of courts in order to improve access to justice, and the successful plan, realized in conjunction with the Joint United Nations Programme on HIV/AIDS (UNAIDS), which strives to cut the number of new HIV infections.

97. China appreciated the efforts made to implement the recommendations from the 2010 review. It also appreciated, among other things, the formulation of a national human rights action plan, the adoption of the Disability Act, the Child Care Protection and Justice Act and the Gender Equality Act, and the strengthening of human rights training for the police.

98. The Congo noted with satisfaction the establishment of a juvenile justice system compatible with the Convention on the Rights of the Child. It encouraged Malawi to develop a strategy to promote decent work in the sectors of agriculture, domestic work, transport and mining.

99. Costa Rica congratulated Malawi on the progress relating to freedom of expression and the efforts to prevent the practice of torture in prisons through human rights education for law enforcement officers. It was, however, concerned about violence against women, inequality of women in various fields, child labour and early marriage.

100. Ireland remained concerned at the high rates of child marriage, maternal mortality and gender-based violence. Ireland noted with concern that women in Malawi were among the poorest and faced specific impediments to their enjoyment of the right to food and nutrition.

101. France welcomed the delegation of Malawi and made recommendations.

102. The delegation of Malawi stated that it has heard the sentiments, comments and recommendations that had been made and had taken note of all of them. On the issue of early marriage, the delegation stated that the enactment of the Marriage, Divorce and Family Relations Act was a clear statement by the Government to discourage early marriages. By pegging the marriage age to 18 years, the Government had shown its specific intention to address this matter. The Act would encourage girls to go to school before they thought of getting married. In the report that had been submitted, Malawi had provided information on the initiatives that had been taken.

103. With regard to the attacks on people living with albinism, the delegation emphasized that this was a recent issue in Malawi. However, the Government was aware of what was

happening and had taken measures to address the issue in order to protect people living with albinism. Those initiatives were supported by the police and traditional leaders.

104. On the issue of loss of citizenship due to marriage, the delegation stated that the Citizenship Act was under review. However, under section 48 of the Marriage, Divorce and Family Relations Act, persons would not lose their citizenship because of marriage.

105. There were no reports in the country of people being persecuted, simply because they were human rights defenders. The delegation welcomed and encouraged mandate holders to visit the country and to find out whether allegations of this nature were credible.

106. The Human Rights Commission was established by the Constitution. The Commission has an A-status accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. The Commission has always been encouraged to act and carry out its duties independently from the Government. The Government has never made any attempt to interfere with the work of the Commission.

107. Violence against children was a criminal offence. However, in the light of the comments and observations that had been made, the Government would review the relevant law to see what else could be done.

108. On the issue of education, the delegation stated that primary education was both free and compulsory. However, enforcement mechanisms were lacking. Steps had been taken to ensure that children went to school.

109. On the issue of prevention of violence against women, the delegation stated that the relevant legislation was currently under review by the Law Commission. By the end of that review, the concerns raised during the interactive dialogue should be addressed.

II. Conclusions and/or recommendations**

110. **The following recommendations have been examined by Malawi and enjoy its support:**

110.1 **Continue the process of ratification of international instruments, particularly those related to human rights, to which the country is not yet party (Côte d'Ivoire);**

110.2 **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Prevention and Punishment of the Crime of Genocide (Democratic Republic of the Congo);**

110.3 **Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

110.4 **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

110.5 **Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);**

** Conclusions and recommendations will not be edited.

110.6 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Ghana);**

110.7 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Discrimination in Education (Tunisia);**

110.8 **Speed up efforts to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);**

110.9 **Ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Honduras);**

110.10 **Consider ratifying the International Labour Organization Domestic Workers Convention, 2011 (No. 189) (Philippines);**

110.11 **Speed up the revision of the Constitution of the Republic of Malawi and ensure harmonization of laws in line with its international obligations regarding the definition of the child (Slovakia);**

110.12 **Harmonize national law with already ratified international conventions (Senegal);**

110.13 **Seek to amend the Penal Code to criminalize all forms of sexual abuse of children, regardless of the sex of the child, bring perpetrators to justice and rehabilitate and compensate the victims (Egypt);**

110.14 **Amend the Penal Code to criminalize all forms of sexual abuse of children regardless of the sex of the child, as currently not all forms of sexual abuse against boys are criminalized (Canada);**

110.15 **Amend the Criminal Code to criminalize all forms of sexual abuse to children (Chile);**

110.16 **Amend the Penal Code in order to criminalize all forms of sexual abuse of children, regardless of the sex of the child, and bring the perpetrators to justice (Slovenia);**

110.17 **Consider possible means of a stricter enforcement of existing laws, with a view to combating different forms of violence against women and girls (Egypt);**

110.18 **Enact appropriate measures and legislation to fight against all forms of discrimination and violence against women (Italy);**

110.19 **Have the Malawian Law Commission take an expedited approach towards the repeal of the Witchcraft Act (Ghana);**

110.20 **Accelerate the process of reviewing the law on witchcraft (Congo);**

110.21 **Ensure the Marriage, Divorce and Family Relations Bill's implementation throughout the country (Iceland);**

110.22 **Accelerate the adoption of the project on marriage, divorce and family relations and the establishment of the minimum age of marriage in line with international standards (Chile);**

110.23 **Take the necessary steps for the effective implementation of the law on marriage, divorce and family relations, in order to set the minimum age for**

marriage at 18 and to contribute to combating forced or early marriages (Mexico);

110.24 **Adopt and ensure effective implementation of existing legislative proposals to improve conditions in prisons in line with international standards (Italy);**

110.25 **Submit the Prisons Bill (2003) to Parliament for its consideration at the earliest opportunity and take meaningful action to deal with prison overcrowding, in particular through reducing the extraordinary periods of pretrial detention faced by many detainees (Ireland);**

110.26 **Bring legislation governing the acquisition, retention or transfer of citizenship in line with article 9 of the Convention on the Elimination of Discrimination against Women, by removing any remaining discrimination (Portugal);**

110.27 **Give continuity to the strengthening of national human rights institutions and mechanisms (Nepal);**

110.28 **Continue its efforts to strengthen the Malawi Human Rights Commission's independence (Australia);**

110.29 **Continue strengthening the capacity of Government institutions on human rights and to implement the strategies and plans, especially on child labour (Sudan);**

110.30 **Conclude the drafting of the national human rights action plan (Zimbabwe);**

110.31 **Accelerate the implementation of its national human rights action plan, and continue strengthening the human rights institutional frameworks (Indonesia);**

110.32 **Strengthen the role and capacity of the Office of the Ombudsman and the Human Rights Commission (Morocco);**

110.33 **Amend the Human Rights Commission Act to ensure that the Commission enjoys full independence and is adequately resourced, in accordance with the Paris Principles (Portugal);**

110.34 **Establish and resource an independent police complaints commission to track and investigate complaints, in line with section 128 of Malawi's Police Act (Australia);**

110.35 **Consider strengthening the capacity of the Law Commission to enable it to fulfil with diligence its apparently broad mandate (Democratic Republic of the Congo);**

110.36 **Further promote human rights education for law enforcement organs (Ethiopia);**

110.37 **Further enhance efforts to achieve the remaining Millennium Development Goals (Ethiopia);**

110.38 **Continue the efforts in fighting social inequalities and poverty, especially of women and children, by promoting the respect for fundamental human rights and adopting policies that provide favourable conditions of work, in line with international human rights law (Holy See);**

110.39 **Take the necessary measures for the prompt and effective operationalization of the independent police complaints commission, including by providing sufficient financial and human resources (Mexico);**

110.40 **Provide financial support to the implementation of the plan of action for vulnerable children (Morocco);**

110.41 **Expedite work on the formulation and implementation of the national plan of action for vulnerable children, which aims at benefitting 1.8 million vulnerable children in Malawi (Sri Lanka);**

110.42 **Further increase efforts in the promotion and protection of the rights of the child (Armenia);**

110.43 **Adopt a comprehensive global policy on children as well as a law and an action plan to implement this policy (Cabo Verde);**

110.44 **Implement public policies to seek greater gender equality, both in political life and in the enjoyment of rights by women and girls under equal conditions (Costa Rica);**

110.45 **Prioritize public education and information as well as capacity building of state institutions as part of efforts to strengthen implementation of national human rights legislation (Norway);**

110.46 **Continue to engage international partners to further pursue human rights awareness programmes and implement the national human rights action plan (Philippines);**

110.47 **Continue efforts to raise public awareness of human rights, in particular the child rights (Sudan);**

110.48 **Reinforce action of the authorities to combat violence against persons with albinism (France);**

110.49 **Strengthen cooperation with Human Rights Council treaty monitoring bodies (South Africa);**

110.50 **Continue to cooperate with the United Nations international human rights treaty bodies (Nicaragua);**

110.51 **Continue cooperation with treaty bodies by submitting overdue reports (Togo);**

110.52 **Submit overdue reports to the human rights treaty bodies (Ghana);**

110.53 **Submit all overdue reports to the treaty bodies (Sierra Leone);**

110.54 **Continue to work towards clearing its backlog of periodic reports to the treaty bodies (Zimbabwe);**

110.55 **Step up efforts to update periodic reports to the human rights treaty bodies (Philippines);**

110.56 **Strengthen cooperation with the universal system of human rights by submitting their initial report to the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of All Forms of Racial Discrimination and by accepting the visit of the rapporteurs on freedom of peaceful assembly, extreme poverty and human rights defenders (Costa Rica);**

110.57 **Continue efforts in the area of gender equality, in particular regarding acquisition, loss and transfer of nationality (Algeria);**

110.58 **Fully implement the adopted Gender Equality Act (Montenegro);**

110.59 **Strengthen efforts on the implementation of the Gender Equality Act (South Africa);**

110.60 **Allocate financial and human resources to the implementation of the Gender Equality Act and amend all laws that discriminate against women, in particular the Citizen Act (Austria);**

110.61 **Continue actions aimed at raising public awareness of the law on gender equality adopted in 2013 and implement the national programme on maternity without risk, in order to reduce significantly the risk of maternal mortality (Burkina Faso);**

110.62 **Develop promptly the implementation guidelines for the Gender Equality Act to ensure its effectiveness (Ghana);**

110.63 **Develop implementation guidelines and to provide necessary budgetary support for the full realization of the Equality Act of 2013, in order to empower women (Sri Lanka);**

110.64 **Continue working on the implementation of laws that promote gender equality in the country (Nicaragua);**

110.65 **Take steps necessary to advance equal education and employment opportunities for women and girls and eliminate the worst forms of child labour (United States of America);**

110.66 **Launch a broad public awareness and education campaign among the population and authorities in order to ensure effectiveness of the new legislative framework prohibiting child marriage at less than 18 years of age (Luxembourg);**

110.67 **Promote gender equality and take measures, both in law and practice, in order to increase the participation of women in public life (Luxembourg);**

110.68 **Continue efforts to curb discriminatory and harmful practices towards women as well as existing high rate of maternal mortality (Nepal);**

110.69 **Take steps to fully harmonize the nationality law to provide women the right to acquire, change or retain their nationality, on an equal basis with men, in line with the provisions of the Convention on the Elimination of Discrimination against Women (Kenya);**

110.70 **Amend sections 9 and 16 of the Citizenship Act to ensure that nationality provisions are applied equally to men and women (Canada);**

110.71 **Ensure the proper registration of all newborns in order to ensure recognition of their legal personality (Mexico);**

110.72 **Take all necessary measures to protect and promote the right of children, including their right to acquire a nationality and to be registered at birth, combat child marriages and finalize the implementation of the national plan of action for vulnerable children for the period 2014-2018 (Namibia);**

110.73 **Combat all forms of discrimination, including against albinos and persons with disabilities (Italy);**

110.74 **Implement without any delay the recently presented action plan to improve the security and well-being of people with albinism (Austria);**

110.75 **Step up efforts towards improvement of living conditions of the prison population (Brazil);**[1]

110.76 **Review the cases of those sentenced under the now-abolished mandatory capital punishment for treason and murder and provide appropriate resentencing decisions (Australia);**[2]

110.77 **Continue the moratorium on death penalty (Nepal);**[3]

110.78 **Intensify measures to improve prison conditions by reducing pretrial detention, guaranteeing fair trial and ensuring access to health and sanitary facilities in order to protect the human rights of all persons in detention (Germany);**

110.79 **Improve conditions for prisoners in order to ease overcrowding and existing conditions, and ensure them the right to adequate food (Spain);**

110.80 **Take the necessary measures to improve prison conditions and reduce prison overcrowding (Angola);**

110.81 **Take measures to improve prison conditions (Austria);**

110.82 **Deal with the problems of overcrowding and insufficient food provisions in prisons (Cabo Verde);**

110.83 **Continue its efforts to combat violence against women, such as domestic violence and forced marriages, and promote gender equality, by fully implementing relevant legislation, conducting awareness-raising programmes for the population and bringing to justice the perpetrators of these violence (France);**

110.84 **Ensure strict compliance of laws relating to gender-based violence (Ghana);**

110.85 **Intensify specifically its efforts to combat widespread violence against women and girls, including through gender-sensitive legislation, stronger enforcement of existing laws as well as by increasing public awareness and promoting gender equality (Iceland);**

110.86 **Put in place necessary mechanisms to ensure successful implementation of various strategies and legal reforms being considered to end child marriage (Mauritius);**

110.87 **Strengthen the legal and institutional framework to fight against child marriage (Algeria);**

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[1] The recommendation made during the interactive dialogue was: "Step up efforts towards the abolition of the death penalty and the improvement of living conditions of the prison population (Brazil)".

[2] The recommendation made during the interactive dialogue was: "Move to abolish the death penalty, accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights and review the cases of those sentenced under the now-abolished mandatory capital punishment for treason and murder and provide appropriate resentencing decisions (Australia)".

[3] The recommendation made during the interactive dialogue was: "Continue the moratorium on death penalty and consider its legal abolition (Nepal)".

110.88 **Develop and implement a comprehensive national action plan to prevent and address the consequences of child marriage by, inter alia, ensuring the investigation and prosecution of domestic violence against women and revising the legal incongruence concerning the minimum age of marriage (Thailand);**

110.89 **Develop and implement a comprehensive national action plan to prevent and eliminate child, early and forced marriages (Netherlands);**

110.90 **Continue to take concrete steps to eliminate child, early and forced marriage, such as Malawi's recent passing of the law raising the age of marriage to 18 years (Canada);**

110.91 **Take effective measures to reduce child marriage (China);**

110.92. **Speed up the review of the Prevention of Domestic Violence Act and strengthen the mechanisms to protect, compensate, rehabilitate and reintegrate victims (Slovakia);**[4]

110.93 **Take effective measures to protect lesbian, gay, bisexual and intersex persons from violence and prosecute the perpetrators of violent attacks (Austria);**

110.94 **Strengthen and consolidate efforts to counter discriminatory practices and violence against women (Singapore);**

110.95 **Continue its actions to ensure effective respect of the rights of the child and to fight, in particular, against early marriages by adopting rapidly and implementing the marriage bill (France);**

110.96 **Continue working on the implementation of a national plan to combat violence against children and youth (Nicaragua);**

110.97 **Continue efforts in combating sexual violence against children regardless of the sex of the child starting with the review of related legislation to ensure prosecution of perpetrators and adequate rehabilitation and compensation for the victims (Thailand);**

110.98 **Continue implementing the national action plan to guide the progressive elimination of child labour (Cuba);**

110.99 **Take concrete measures to ensure that the anti-human trafficking act is effectively implemented and that albinos are provided equal protection by the law (Norway);**

110.100 **Ensure that the Trafficking in Persons Act comes into force and is implemented as soon as possible and implement a national action plan to strengthen coordination efforts against trafficking at the national level (Switzerland);**

110.101 **Vigorously investigate and prosecute trafficking offenders, under the recently passed Trafficking in Persons Act (United States of America);**

[4] The recommendation made during the interactive dialogue was: "Speed up the review of the Prevention of Domestic Violence Act, explicitly criminalize spousal rape and strengthen the mechanisms to protect, compensate, rehabilitate and reintegrate victims (Slovakia)".

110.102 **Take further steps to reform the judicial and penal system and create adequate incarceration centres in conformity with international standards (Holy See);**

110.103 **Take concrete measures to improve the judiciary and penitentiary system, by reducing the cases of excessively long pretrial detentions and ensuring humane detention conditions (France);**

110.104 **Continue its efforts to improve the penitentiary system and prison conditions as well as to strengthen the judiciary whose weakness in personnel, namely prosecutors and judges, is the source of congestion of the courts (Niger);**

110.105 **Operationalize the system of management of cases in all courts to ensure effective treatment of criminal cases by the judiciary (Morocco);**

110.106 **Develop and implement a comprehensive strategy and judicial reforms to effectively reduce the backlog of cases (Botswana);**

110.107 **Ensure the identification, protection and access of victims to justice and guarantee effective investigations into cases of trafficking (Switzerland);**

110.108 **Continue working on the implementation of actions which ensure effective access of women victims of gender violence to justice, reparation and social reintegration (Uruguay);**

110.109 **Fully investigate all cases of harassment and intimidation of journalists and human rights defenders with a view of bringing the perpetrators to justice (Austria);**

110.110 **Ensure thorough investigations into reports of attacks and threats against human rights defenders with a view to bring perpetrators to justice (Botswana);**

110.111 **Continue its efforts to review the cases of persons sentenced to death in the country and to commute all death sentences into alternative penalties, as well as to put in place a moratorium on the death penalty with a view to its future abolition (Switzerland);**

110.112 **Continue positive measures in support of vulnerable groups in the areas of access to justice and education (Angola);**

110.113 **Take the necessary measures to set the minimum age for marriage at 18 years of age (Togo);**

110.114 **Take steps to increase the participation of women in government (Trinidad and Tobago);**

110.115 **Further strengthen the field of economic, social and cultural rights, in order to improve the living conditions of the people and to this end, the support and solidarity of the community of nations is important (Bolivarian Republic of Venezuela);**

110.116 **Continue promoting partnerships with regional and international institutions in order to give impetus to the development process and improve living standards of its nationals (Kuwait);**

110.117 **Continue efforts for the realization of sustainable economic development and poverty reduction (China);**

110.118 **Strengthen the mechanisms aimed at fighting against poverty and food insecurity (Côte d'Ivoire);**

110.119 **Take all necessary measures to reduce extreme poverty, hunger and child mortality rates (Kuwait);**

110.120 **Establish a legal framework on the right to food, building on the draft food and nutrition bill and integrating a gender perspective through a consultative process with relevant stakeholders (Ireland);**

110.121 **Intensify efforts to address socioeconomic rights, particularly access to health and education (Sierra Leone);**

110.122 **Continue efforts in improving the health-care system in order to combat mother and child mortality, and assist those suffering from HIV/AIDS (Holy See);**

110.123 **Spare no efforts and resources to provide girls and adolescents of reproductive health and social services to address the problem of teenage pregnancies (Honduras);**

110.124 **Continue efforts aimed at effectively fighting against maternal and child mortality (Togo);**

110.125 **Step up efforts to reduce the HIV/AIDS rate in the country (Burkina Faso);**

110.126 **Guarantee that people of the lesbian, gay, bisexual, transgender and intersex communities have effective access to health services, including treatment for HIV/AIDS (Honduras);**

110.127 **Continue efforts in the provision of free and compulsory education (South Africa);**

110.128 **Put in place measures to improve the infrastructure of educational institutions as well as increase the access of children to education (Trinidad and Tobago);**

110.129 **Pursue efforts to promote school attendance of girls and women's rights (Congo);**

110.130 **Promote the introduction of human rights education in the educational system and in training programs (Senegal);**

110.131 **Give full priority to ensuring the full and effective implementation of the Disability Act (Singapore);**

110.132 **Fully implement the strategy for growth and development of Malawi (Cuba).**

111. **The following enjoy the support of Malawi, which Malawi considers to be already implemented:**

111.1 **Accelerate the review and adoption of the new law on marriage in order to eradicate early marriages of young girls (Democratic Republic of the Congo);**

111.2 **Expedite the adoption of a law on trafficking in persons, which would provide for the criminalization of all forms of trafficking, sanctions and adequate assistance for victims (Egypt);**

111.3 **Enact the Marriage, Divorce and Family Relations Bill with a view to ending child, early and forced marriage and other harmful practices, and raise the minimum age of marriage to 18 years (Sierra Leone);**

111.4 **Adopt the Marriage, Divorce and Family Relations Bill (Sudan);**

111.5 **Conclude the work on the draft law on marriage, divorce and family relations (Cabo Verde);**

111.6 **Ensure that measures are taken to expedite the enactment of the Gender Equality Bill, the Deceased Estates Bill and the Marriage, Divorce and Family Relations Bill (Timor-Leste);**

111.7 **Establish a definition of the child in accordance with the Convention on the Rights of the Child as well as incorporate the principle of the best interests of the child in the Constitution (Timor-Leste);**

111.8 **Establish a national human rights institution (Costa Rica);**

111.9 **Ensure the effective implementation of the Marriage, Divorce and Family Relations Bill in order to prevent the prevalence of child marriage (Sweden);**

111.10 **Adopt a law on human trafficking that criminalizes all forms of trafficking and that provides the corresponding sanctions and comprehensive assistance to victims (Spain);**

111.11 **Draw up a programme to ensure the full enjoyment of human rights by persons living with albinism (Sierra Leone);**

111.12 **Consider elaboration and adoption of a policy on child justice or a comprehensive programme through the National Child Justice Forum (Slovakia);**

111.13 **Further promote human rights education and make primary education free and compulsory (Rwanda).**

112. **The following recommendations will be examined by Malawi which will provide responses in due time, but no later than the thirtieth session of the Human Rights Council in September 2015:**

112.1 **Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);**

112.2 **Strengthen its legal framework by considering signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

112.3 **Consider ratifying the International Convention on the Rights of all Migrant Workers and Their Families (Philippines);**

112.4 **Urgently address the inconsistency in the age of marriage in the Marriage Act and the Constitution (United Kingdom of Great Britain and Northern Ireland);**

112.5 **Decriminalize defamation and incorporate this into the Civil Code (Ghana);**

112.6 **Harmonise laws on abortion with maternal health and child marriage (Congo);**

112.7 **Issue standing invitations to all special procedures (Ghana);**

112.8 **Issue a standing invitation to the special procedures of the Human Rights Council and ensure an enabling environment for the activities of journalists, human rights defenders and other civil society actors (Tunisia);**

112.9 **Extend a standing invitation to the special procedures mandate holders (Chad);**

112.10 **Consider extending a standing invitation to the special procedures mandate holders (Kenya);**

112.11 **Issue a standing invitation to all mandate holders of the special procedures (Madagascar);**

112.12 **Strengthen efforts to reduce maternal mortality, including by reviewing the legislation on abortion (Slovenia);**

112.13 **Implement, as a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the provisions related to medical abortion in cases of sexual assault, rape, incest and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus (Norway).**

113. **The following recommendations have been noted by Malawi:**

113.1 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Madagascar);**

113.2 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Germany);**

113.3 **Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (France);**

113.4 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

113.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Portugal);**

113.6 **Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and commit current death sentences to life imprisonment as far as possible (Namibia);**

113.7 **Consider ratifying the Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Timor-Leste);**

113.8 **Consider the legal abolition of the death penalty (Nepal);**[5]

113.9 **Step up efforts towards the abolition of the death penalty (Brazil);**[6]

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[5] The recommendation made during the interactive dialogue was: "Continue the moratorium on death penalty and consider its legal abolition (Nepal)".

[6] The recommendation made during the interactive dialogue was: "Step up efforts towards the abolition of the death penalty and the improvement of living conditions of the prison population (Brazil)".

113.10 **Withdraw all reservations to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and accede to the 1961 Convention on the Reduction of Statelessness (Germany);**

113.11 **Strengthen provisions in the Constitution to promote good administrative practices in State institutions (Angola);**

113.12 **Take into consideration the recommendation of the Committee on Human Rights and explicitly criminalize female genital mutilation (Honduras);**

113.13 **Review and reform its national legislation with a view to eradicating all discrimination on the basis of sexual orientation and gender identity (Brazil);**

113.14 **Include sexual orientation and gender identity among the prohibited grounds of discrimination and repeal the provisions criminalizing homosexual relations between consenting adults (Chile);**

113.15 **Repeal provisions criminalizing consensual same-sex sexual conduct in order to bring the penal code in line with international human rights obligations (Germany);**

113.16 **Repeal all legal provisions criminalizing sexual activities between people of the same sex (Italy);**

113.17 **Modify the criminal code to decriminalize same-sex sexual activity between consenting adults and to criminalize all forms of sexual abuse of children, regardless of the sex of the child (United States of America);**

113.18 **Repeal legal provisions that criminalize homosexuality, and take all necessary measures to ensure respect for all human rights of lesbian, gay, bisexual, transgender and intersex people, including access to public health services and support initiatives, such as education programmes and the provision of disease and infection care (Slovenia);**

113.19 **Abrogate legislation criminalizing homosexuality, in order to fully respect the principles of equality and non-discrimination for all persons (France);**

113.20 **Repeal all legal provisions criminalising sexual activity between consenting adults and encourage the Malawi Human Rights Commission to include in its mandate the protection of the rights of the lesbian, gay, bisexual, transgender and intersex community (Australia);**

113.21 **Consolidate the policy gains into legal reforms on issues such as treatment of same-sex relations and access to information (Norway);**

113.22 **Ensure to lesbian, gay, bisexual, transgender and intersex persons the full enjoyment and equal conditions in terms of their human rights by repealing the rules that criminalize and stigmatize them (Argentina);**

113.23 **Bring its legislation in conformity with international law, by decriminalizing consensual same-sex relations between adults and by prohibiting all discrimination based on sexual orientation and gender identity (Luxembourg);**

113.24 **Repeal the provisions in the Criminal Code that criminalize consensual same-sex conduct, and any other legislation which discriminates on the basis of sexual orientation or gender identity, and bring its legislation in line with Malawi's obligations under international human rights law (Netherlands);**

113.25 **Repeal provisions of the Malawi Criminal Code that criminalize consensual, adult same-sex conduct (sections 153, 154 and 156) and provide adequate protection to lesbian, gay, bisexual and transgender persons (Sweden);**

113.26 **Decriminalize homosexuality and revise sections 137A, 153, 154 and 156 of the Penal Code and revise the law on marriage, divorce and family relations in order to bring it in line with the international instruments ratified by Malawi (Switzerland);**

113.27 **Eliminate existing norms against homosexuality, in particular articles 137, 153, and 156 of the Penal Code (Spain);**

113.28 **Combat, in law and in practice, discrimination based on sexual orientation (Uruguay);**

113.29 **Abolish the death penalty (Portugal);**

113.30 **Consider abolishing the death penalty (Rwanda);**

113.31 **Move towards the abolition of the death penalty (Chile);**

113.32 **Consider abolishing the death penalty, given that there has been no execution since 1992 and that death row cases are being reviewed (United Kingdom of Great Britain and Northern Ireland);**

113.33 **Uphold the inherent right to life by ensuring the right to liberty and security of the human person and by abolishing the death penalty (Holy See);**

113.34 **Consider taking all necessary steps to introduce a de jure moratorium on capital executions with a view to fully abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Italy);**

113.35 **Move to abolish the death penalty, accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**[7]

113.36 **Declare a de jure moratorium on the death penalty with a view to its final abolition, and in this context take steps to become Party to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Uruguay);**

113.37 **Formalize a de jure moratorium on death penalty and replace it with alternative sentences which respect international human rights standards (Spain);**

113.38 **Adopt measures to effectively prevent the practice of female genital mutilation (Uruguay);**

113.39 **Improve conditions in schools, and persist in efforts to facilitate access to education, especially for indigenous peoples, and promote the opportunity to access mother language education (Holy See);**

113.40 **Explicitly criminalize spousal rape (Slovakia);**[8]

[7] The recommendation made during the interactive dialogue was: "Move to abolish the death penalty, accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights and review the cases of those sentenced under the now-abolished mandatory capital punishment for treason and murder and provide appropriate resentencing decisions (Australia)."

113.41 **Improve law enforcement capacity to protect victims of domestic violence by expanding the ability of the police to investigate cases of suspected domestic violence, including spousal rape, and increasing training and awareness-raising for police (Canada).**

114. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

[8] The recommendation made during the interactive dialogue was: "Speed up the review of the Prevention of Domestic Violence Act, explicitly criminalize spousal rape and strengthen the mechanisms to protect, compensate, rehabilitate and reintegrate victims (Slovakia)."

Annex

[English only]

Composition of the delegation

The delegation of Malawi was headed by Honourable S.B. Tembenu, Minister of Justice and Constitutional Affairs, and composed of the following members:

- Dr. Janet Banda – Solicitor General and Secretary for Justice, Ministry of Justice
- Mr. Pacharo Kayira – Chief State Advocate, Ministry of Justice
- Mr. Mathews Stanley Gamadzi – Senior State Advocate, Ministry of Justice
- Ms. Natasha Nyirongo – Senior State Advocate, Ministry of Justice
- Ambassador Shophie Kalinde – Chairperson, Human Rights Commission
- Dr. Zace Kawalala – Commissioner, Human Rights Commission
- Ms. Grace Malera – Executive Secretary, Human Rights Commission
- Mr. Ernest Mungo Makawa – Director of Legal Affairs, Ministry of Foreign Affairs
- Mr. Mc Knight Kalanda – Director of Child Affairs, Ministry of Gender
- Mr. Justin Hamela – Principal Gender Officer, Ministry of Gender
- Ms. Chipiliro Leah Mangulama – Chief Legal Officer, Ombudsman